

REMARKS

Reconsideration is respectfully requested.

By this amendment, Applicants have cancelled Claims 43-48, without prejudice.

The Office Action dated January 29, 2004 indicates that Claims 31-48 are rejected under the judicially created doctrine of obviousness type double patenting over commonly owned U.S. Patent No. 5,968,871.

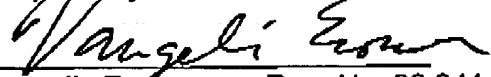
With respect to this rejection, it is respectfully submitted that it is improper in that Claims 31-48 were subject to a restriction requirement in the grandparent application, Serial No. 08/918,323, now U.S. Patent No. 5,968,871, which is the very same patent relied upon in support of this rejection. A copy of the restriction requirement in that grandparent application is attached hereto.

It is respectfully submitted that the Office Action is a law of the case determination that Claims 31-42, now pending in this application are patentably distinct over the originally filed Claims 1-30 allowed in the grandparent application. Thus, the double patenting rejection set forth in the Office Action dated January 29, 2004 is improper as being inconsistent with that determination that these claims are a separate and distinct invention from the invention embodied in the claims of U.S. Patent No. 5,968,871.

For the above reasons, it is considered that the claims, as amended, find support in the application specification as filed. Accordingly, reconsideration and withdrawal of the outstanding rejections are respectfully requested and an indication of allowable subject matter is earnestly solicited.

April 21, 2004

Respectfully submitted,


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